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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues in relation to the combined eighth and ninth periodic reports of Canada

Constitutional, legislative and institutional framework

1. In the combined eighth and ninth periodic reports of the State party (CEDAW/C/CAN/8-9), reference is made to several constitutional, legislative, statutory, administrative and policy provisions promoting gender equality and defining sex as a prohibited ground of discrimination, including the Constitution Act (1982) (the "Canadian Charter of Rights and Freedoms"), and the Canadian Bill of Rights, as well as various federal, provincial and territorial anti-discriminatory laws, policies and programmes (para. 7).[1] Please indicate the human, technical and financial resources allocated for their implementation, as well as the results of any assessments conducted and the new action priorities adopted with respect to women's rights. Please also provide information on measures taken to ensure the full incorporation of all substantive provisions of the Convention into domestic law. Please indicate whether lawyers, judges and all other actors of the justice system, as well as law enforcement personnel, are systematically trained regarding the Convention and the Optional Protocol thereto. Please indicate whether the Convention has been invoked in courts and, if it has, the number, nature and outcomes of the cases.

2. Mention is also made in the combined reports of the legislative changes introduced to improve the protection of aboriginal women's rights (paras. 29-31), including the Gender Equity in Indian Registration Act (2011), which ensures that the eligible grandchildren of women who have lost Indian status as a result of marrying non-Indian men are entitled to Indian registration (para. 29). Please

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined eighth and ninth periodic reports of the State party.

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indicate whether those women whose Indian status has been revoked have been able to regain it and gain access to all the benefits provided under the Act. Please also indicate whether steps have been taken to speed up the implementation of the Act and to eliminate reported lasting discriminatory effects against indigenous women, in particular regarding the transmission of Indian status, that prevent them and their descendants from enjoying all the benefits related to such status.

Access to justice

3. It is indicated in the combined reports that the Government of the State party provides financial assistance to the provinces and territories with a view to the delivery of criminal and civil legal aid services (paras. 213-215). Please provide information on the minimum criteria for gaining access to such services, and specify whether they are applicable in all provinces and territories and whether they are provisions specific to women. Please also indicate the number of women, especially migrant women and women belonging to ethnic minority groups, including aboriginal women, who have benefited from this scheme. It is also stated in the combined reports that, following the repeal of section 67 of the Canadian Human Rights Act, First Nations individuals are able to file complaints with the Canadian Human Rights Commission alleging, inter alia, sex or gender discrimination (para. 31). Please provide information on awareness-raising campaigns and other measures aimed at encouraging women to bring complaints on such grounds. Please inform the Committee as to the provision of human, technical and financial resources to enable the Commission to fully exercise its mandate, and whether it incorporates a gender perspective. Please also provide information about decisions issued by the judiciary in relation to violations of women's rights and to ensure reparations, including adequate compensation, for victims. Please indicate how women suffering from multiple or intersecting discrimination can bring their claims before administrative or judicial authorities and obtain decisions addressing the grounds on which they are claiming their rights.

National machinery for the advancement of women

4. Information before the Committee indicates that extensive funding cuts have led to the closing of 12 out of 16 regional offices of Status of Women Canada. Please indicate whether the State party has taken steps to carry out an assessment as to whether or not the closure of Status of Women Canada offices has had a negative impact on the implementation of the Convention and on access to services for women, in particular aboriginal and rural women. Please also clarify the relationship and division of labour between Status of Women Canada and the Ministry of Status of Women, and provide information on the human, technical and financial resources allocated to each as well as the amounts invested by other departments in gender equality policies and in efforts to address violence against women. It is indicated in the combined reports that provincial and territorial governments also have organizations that are dedicated to women's issues and offer funding for non-governmental organizations and aboriginal organizations (para. 11). Please provide information on measures taken at the federal, provincial and territorial levels to coordinate policies and mechanisms to achieve the full and uniform implementation of the Convention throughout the territory of the State party. Please indicate whether any plans are being contemplated to develop and implement a comprehensive national gender equality policy to address the structural factors leading to gender inequality.

Stereotypes and harmful practices

5. Please provide information on measures taken or envisaged, including the development of a comprehensive policy, to change social and cultural patterns that lead to the stereotyping, perpetuation or reinforcement of the traditional roles of women and men within the family and society in general, as well as negative media portrayals of women. Please also provide information on measures taken to encourage girls to study non-traditional subjects, to encourage companies to recruit women for non-stereotypical posts and to address the persistent stereotypical views that affect the position of migrant women and women belonging to ethnic minority groups, including aboriginal women, in the labour market, education and public and political life.

6. Please indicate whether Bill S-7, an Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts, which is aimed at improving the protection of women and children, in particular immigrant women and girls, from harmful practices such as child and/or forced marriage, polygamy and killing in the name of honour, has been adopted and implemented (para. 97). Please also indicate what efforts have been made to gather primary data thereon, conduct quantitative and qualitative studies for the purpose of better assessing the risks existing among various groups of migrants, train law enforcement officers, members of the judiciary, border guards, social workers and health providers, and prosecute and punish perpetrators. Please report on the human, technical and financial resources allocated to the interdepartmental working group on forced marriage and "honour"-based violence (para. 98). Please provide updated information, including statistics, on the incidence of such practices in the State party, as well as on female genital mutilation.

Violence against women

7. Information before the Committee refers to the continued prevalence in the State party of violence against women, in particular domestic violence, that affects mainly indigenous and minority women. In the combined reports, reference is made to a number of federal criminal laws, complemented by provincial and territorial civil laws as well as policies, addressing violence against women, including violence against aboriginal women and girls (paras. 70-103 and 128-149). Please indicate whether evaluations have been conducted with regard to the measures taken to date in this regard, in particular Bill C-32, an Act to enact the Canadian Victims Bill of Rights Act (2014), and, if so, indicate their results. Please provide statistical data on all reported cases of violence against women, including with regard to the number of investigations, prosecutions and convictions as well as the type of sanctions imposed on perpetrators and the reparations provided to victims.

8. The measures taken by the State party to provide support and assistance, including shelters and accommodations, to women victims of violence are highlighted in the combined reports (paras. 117-127). Please indicate whether, under the current system, women and girls, including women in vulnerable situations, enjoy sufficient protection and access to justice and all other relevant services, such as shelters, social services and legal and psychological counselling, throughout the territory of the State party.

Trafficking and exploitation of prostitution

9. It is indicated in the combined reports that more than $1.3 million was allocated to support projects addressing human trafficking at the federal and provincial levels (paras. 84, 114 and 115). Furthermore, reference is made to the adoption of the Protection of Communities and Exploited Persons Act (2014), which reflects a fundamental paradigm shift towards the treatment of prostitution as a form of sexual exploitation and violence that has a disproportionate and negative impact on women and children, especially aboriginal women and girls, as well as the adoption of programmes to support grass-roots organizations that have a proven record of helping prostitutes to leave the sex trade (para. 68). Please indicate the human, technical and financial resources allocated for the implementation of those initiatives. Please also indicate whether any coordination, monitoring and assessment mechanisms have been established for the implementation of the National Action Plan to Combat Human Trafficking at the federal, provincial and territorial levels. Please provide information on the number of investigations, prosecutions and convictions and the type of sanctions imposed for trafficking and exploitation of prostitution, especially of aboriginal women and girls, under Bill C-49, an Act to amend the Criminal Code (trafficking in persons) (2005); Bill C-268, an Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of 18 years) (2010); or any other relevant legislation. Please indicate what measures have been taken to provide systematic and adequate training to law enforcement officials and prosecutors with a view to protecting all women and girl victims of trafficking and prostitution and improving the enforcement of existing legislation.

Participation in political and public life

10. Information before the Committee indicates that gender parity has been achieved in the Cabinet and that four of the nine Justices of the Supreme Court of Canada are women. However, it also indicates that women represent only 26 per cent of the members of the House of Commons and 37.3 per cent of the members of the Senate. Please provide information on the steps taken to increase the number of women in elected decision-making bodies, including through the adoption of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004). Please provide, in particular, information on measures taken or envisaged to introduce a system of quotas aimed at reaching parity in Parliament, and to develop targeted training and mentoring programmes on leadership and negotiation skills for potential women candidates and potential female leaders in the public sector, including those who are underrepresented, such as immigrant women and women belonging to ethnic minority groups, including aboriginal women. Please also provide statistics on the gender composition of all legislative, executive and judiciary bodies at the provincial and territorial levels, as well as of independent administrative authorities and key consultative State bodies, senior civil service administration, high-ranking positions in universities, diplomatic services, and management and company boards.

Education

11. Please provide information on steps taken to ensure access to free compulsory schooling for all children, without discrimination. Please also describe efforts to

address the long-standing issues faced by aboriginal and African-Canadian children in gaining access to and completing primary and secondary school, including the development of interventions, in consultation with the affected communities, aimed at preventing them from dropping out of school. Please also provide updated disaggregated data on the prevalence of sex segregation in vocational and higher education.

Employment

12. It is acknowledged in the combined reports that there is still a significant gap between men and women in terms of their employment rates, as well as a persistent occupational segregation and wage gap, and that women belonging to minority groups, including migrant women, aboriginal women, women with disabilities and young women, are still engaged predominantly in part-time work and are taking up low-paid, traditional jobs (paras. 152-155). Please provide information on the measures taken to address those issues in order to ensure equality between women and men in the labour market, including through the effective implementation of existing legislation regarding equal pay between men and women at the provincial and territorial levels. Please also indicate steps taken by the State party to continue its commitment to providing affordable child-care services across the country so as to assist parents in balancing family and employment responsibilities (paras. 175-199). Please indicate whether targeted measures have been adopted to increase access to employment opportunities for disadvantaged groups of women, as referred to above. Please describe any plans to intensify efforts to eliminate gender role stereotypes and prejudices, including through awareness-raising campaigns, with a view to increasing the number of women in non-traditional professions. Please provide information on the efforts made to prevent the labour exploitation of women migrant domestic workers, including by replacing the employer-specific work permit with a type-of-work permit and by ensuring their effective access to justice.

Health

13. Please provide information on measures taken to ensure access to quality sexual and reproductive health services across all provinces and territories, including for women and girls living in rural or remote regions as well as indigenous women and migrant women, regardless of their legal status; African-Canadian women; and women with disabilities. Please also provide information on further measures taken to ensure that the exercise of conscientious objection by health professionals does not impede effective access for women to reproductive health-care services, including access to legal abortion and post-abortion services. Please indicate steps taken to ensure that age-appropriate sexual and reproductive education is provided in all schools. In line with the Committee's previous concluding observations (CEDAW/C/CAN/CO/7, para. 42), please include information on any projects and activities undertaken by the State party under the Women's Health Indicators initiative.

14. Please provide updated information on measures taken to ensure access to a comprehensive and integrated package of sexual and reproductive health information and services, consistent with international human rights standards.

15. Please indicate measures planned to ensure full and unhindered access to health care for women drug users and alcohol abusers, as well as women affected by sexually transmitted infections, including HIV/AIDS. Please provide information on measures envisaged to address the punitive approach of the 2007 National Anti-Drug Strategy, which has had negative consequences for the health of women drug users and discriminatory effects on disadvantaged and marginalized groups of women, especially aboriginal, African-Canadian and migrant women.

Indigenous women

16. Please provide information on current and planned initiatives to address the challenges that indigenous women and girls face, including their limited access to culturally and linguistically relevant education, health-care services, safe drinking water and sanitation, and employment opportunities and financial support in developing and implementing income-generating projects and local training programmes; discriminatory laws, especially in the area of inheritance and succession; their low representation in public institutions; the difficulty that they experience in fully exercising their right to self-determination and determining their own priorities for development; the lack of recognition of their right to own, have access to and use their traditional lands, resources and territories; their deteriorating health and living conditions, sometimes owing to the expansion of extractive industries into their territories; and the high rates of domestic and sexual violence against them.

17. Please provide information on the measures taken to give effect to the recommendations contained in the report on the Committee's inquiry concerning the State party under article 8 of the Optional Protocol to the Convention (CEDAW/C/OP.8/CAN/1, paras. 216-220), including any results achieved and how monitoring and effective oversight are ensured. In particular, please include information on steps taken to implement the following recommendations: (a) take measures to establish a national public inquiry into cases of missing and murdered aboriginal women and girls that must be fully independent from the political process and transparent, with terms of reference to be developed and a commissioner to be selected based on the views of representatives of aboriginal communities in the provinces, territories and national aboriginal organizations; (b) ensure that all cases of missing and murdered women are duly investigated and prosecuted; (c) take comprehensive measures to significantly improve the socioeconomic conditions of the aboriginal community, including the particular conditions affecting aboriginal women both on- and off-reserve; and (d) take specific measures to break the circle of distrust between the authorities and the aboriginal community, improve avenues of communication and engage in a meaningful dialogue with representatives of the aboriginal community.

Women in detention

18. Please provide information on measures taken by the State party to address the issue of the high and rising incarceration rates of aboriginal women and African-Canadian women in federal and provincial prisons across Canada. Please also describe the measures taken to train prosecutors, judges, lawyers and police officers on the related provisions of the Criminal Code, and to increase efforts to address the socioeconomic marginalization of aboriginal and African-Canadian women. Please provide information on efforts to redesign the classification system with

respect to women in the federal prison system, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

Refugee and asylum-seeking women

19. In line with the Committee's general recommendation No. 32 (2014), on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, please provide information on measures taken to ensure that refugee claimants and migrants in irregular situations, especially women and girls, are detained only as a measure of last resort and for a reasonable period of time. Please also indicate whether steps are envisaged to review the Immigration and Refugee Protection Act (2002) in order to provide refugee claimants, including women and girls, from "safe countries" with access to an appeal hearing before the Refugee Appeal Division, and to fully comply with the principle of non-refoulement. In addition, please provide information on measures taken to guarantee the protection of the fundamental rights of refugee and asylum-seeking women and girls, especially through the provision of basic services and assistance, including by reviewing the recent amendments introduced to Bill C-43. Please indicate whether measures have been taken to provide training and guidelines for law enforcement officials and border guards on the gender-sensitive treatment of refugee and asylum-seeking women at all stages of the asylum procedure.

Marriage and family relations

20. It is indicated in the combined reports that the Family Homes on Reserves and Matrimonial Interests or Rights Act (2013) provides for basic rights and protections for aboriginal women equivalent to what non-aboriginal women enjoy during a relationship, in the event of the breakdown of a relationship and on the death of a spouse or common-law partner regarding the family home and other matrimonial interests or rights (para. 30). Please indicate what measures have been taken by the State party to ensure the full applicability of the Act with regard to women's rights, especially in a context in which multiple generations or families occupy the same home owing to a housing shortage or in which people other than the divorcing spouses may have an interest in the home according to indigenous custom.